

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----x  
Michael J. Wang, M.D.

Plaintiff,

-Against-

United States Medical License  
Examination Secretariat,

Defendant,  
-----x

**FILED**  
IN CLERK'S OFFICE  
U S DISTRICT COURT E.D.N.Y.

★ MAY 13 2005 ★

LONG ISLAND OFFICE

CV 05-1861  
(JS) (ARL)

**PLAINTIFF PROPOSED SPECIAL VERDICT FORM**

We, the Jury in the above-entitled action, find the following by a preponderance of the evidence:

Question No. 1:

Did Defendant violate plaintiff's right under the United States Constitution which includes due process, and equal protection right?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question No. 2:

Did defendant violate 42 U.S.C. Section 2000(e) that include racial and/or national origin discrimination, and retaliation for complaint about discrimination?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question No. 3:

Did defendant violate 42 U.S.C. Section 1981 that include racial discrimination?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question No. 4:

Did defendant act under color of State law, deprived plaintiff of a federal statutory and Constitutional right in violation of 42 U.S.C. Section 1983?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question No. 5:

Did defendant and SUNY act in furtherance of the conspiracy in purpose of depriving plaintiff's equal privilege and equal protection right in violation of 42 U.S.C. Section 1985?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question No. 6:

Did defendant intentionally inflict injure plaintiff and deprived plaintiff's right and privilege being a citizen of the United States in violation of 42 U.S.C. Section 1986?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question No. 7:

Did defendant violate plaintiff's right under New York Constitution that include due process, and equal protection right?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question No. 8:

Did defendant violate New York State Executive Law Section 296 that includes race and/or national origin discrimination, and retaliation for complaint about discrimination?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question No. 9:

Did defendant intentionally inflict plaintiff emotional distress?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question No. 10:

Did defendant intentionally interference with plaintiff's prospective economic advantage by interference with his efforts for new employment?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question No. 11:

Did defendant slander and/or libel plaintiff and was motivated by malice?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question No. 12:

Solely with respect to those adverse actions upon above. What do you find are the total amount of damages suffered by plaintiff caused by defendants?

### **DAMAGES**

We, the Jury award the plaintiff compensatory and punitive damaged against defendant as follow:

Pursuant to Fed.R. Civ. P. 26(a)(1)(C). Plaintiff's damages have not yet been specifically calculates, but can be expected to include the following:

**Back Pay Damages** (From date of termination until today)

PGY-3	2001	\$49,064
PGY-4	2002	\$53,000
PGY-5	2003	\$57,000
PGY-6	2004	\$61,000
PGY-7	2005	\$65,000

Total \$ \_\_\_\_\_

**Front Pay Damages** (From July 2003 until his projected retirement in 2037 at age 70

As a practicing anesthesiologist at an average starting salary of \$304,341)

= \$304,341 x 34

Total \$ \_\_\_\_\_

**Pain, suffering, humiliation, mental anguish, emotional distress, and harm to professional reputation.**

= \$500,000 x 4

Total \$ \_\_\_\_\_

**Other Compensatory Damages**

Total \$ \_\_\_\_\_

Question No. 13:

Do you find that defendant intentionally inflict plaintiff emotional distress, acted with malice toward Dr. Wang, defamation with a malice, and reckless disregard to his federal and state protected right under the Title VII of the Civil Right Act of 1964 allowing him to recover punitive damages?

[If the answer to question No. 13 is "Yes" fill the amount of punitive damages below]

**Punitive Damages** \$ \_\_\_\_\_

To be signed by all Juror and dated by the foreperson

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Juror, Juror

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Foreperson

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Date

Dated: May 11, 2005

cc. Michael J. Puma Esq.  
Morgan, Lewis & Bockius LLP  
1701 Market Street  
Philadelphia, PA 19103-2921

Respectfully submitted



Michael J. Wang, MD